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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,037	09/22/2003	William J. Deane III		4466

7590 12/20/2004  
William J. Deane, III  
903 Haines Ave.  
Wilmington, DE 19809

EXAMINER

FASTOVSKY, LEONID M

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/665,037

**Applicant(s)**

DEANE ET AL.

**Examiner**

Leonid M Fastovsky

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-33 is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20030922</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Upon further consideration the election of Species requirement has been withdrawn.

### ***Specification***

2. The abstract of the disclosure is objected to because it contains an extraneous word "the invention". Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Doucet (CA2089188).

Doucet teaches an ice scraper (Fig. 1-3) comprising an elongated, hollow body portion, having a first end and a second end, and capable of receiving a lock de-icer container within the hollow body portion at the first end, wherein the lock de-icer container includes means for dispensing de-icer, and a blade member having an outer periphery and a forward edge, with a scraper blade formed in the forward edge for scraping ice from a surface, the blade member mounted to the hollow body portion at the second end.

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5. Claims 1-2 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Airmatic (DE29913231U1).

Airmatic teaches an ice scraper (Fig. 1-4) comprising an elongated, hollow body portion, having a first end and a second end, and capable of receiving a lock de-icer container 4 within the hollow body portion at the first end, wherein the lock de-icer container includes means for dispensing de-icer, and a blade member 3 having an outer periphery and a forward edge, with a scraper blade formed in the forward edge for scraping ice from a surface, the blade member mounted to the hollow body portion at the second end, and a cap member 9 engaged to the first end 6.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (5,357,646) in view of Doucet.

Kim discloses an ice scraper, comprising an elongated, hollow body 11 portion, having a first end and a second end (Fig. 3), and capable of receiving a lock de-icer container, and a blade member 13 having an outer periphery and a forward edge, with a scraper blade 14, the blade member mounted to the hollow body portion of the second end. However, Kim does not disclose the lock de-icer. Doucet discloses an ice scraper

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having a lock de-icer container. It would have been obvious to one having ordinary skill in the art to modify Kim's invention to include a lock de-icer container as taught by Doucet and install it within the hollow body portion of Kim's scraper.

8. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Airmatic.

Kim discloses an ice scraper, comprising an elongated, hollow body 11 portion, having a first end and a second end (Fig. 3), and capable of receiving a lock de-icer container, and a blade member 13 having an outer periphery and a forward edge, with a scraper blade 14, the blade member mounted to the hollow body portion of the second end.

However, Kim does not disclose the lock de-icer. Airmatic discloses an ice scraper having a lock de-icer container. It would have been obvious to one having ordinary skill in the art to modify Kim's invention to include a lock de-icer container as taught by Airmatic and install it within the hollow body portion of Kim's scraper.

9. Claims 3- 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Doucet and further in view of Schatt et al (5,973,294).

Kim in view of Doucet discloses substantially the claimed invention including the tubular hollow body portion with the aerosol container, a heating unit containing rechargeable batteries (Fig. 6) through a receptacle 17, including a power switch 16, and at least one wire 15 embedded in the blade member 13. However, Kim does not disclose a temperature controller and a transformer. Schatt discloses a heated scraper device including a temperature controller 31 and a transformer 41. It would have been obvious

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tone having ordinary skill in the art to modify invention of Kim in view of Doucet to include a temperature controller and a transformer in order to enhance performance of the scraper as taught by Schatt.

As for claim 8, it would have been obvious to have the container containing a liquid as obvious functional equivalent.

10. Claims 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Airmatic and further in view of Shatt..

Kim in view of Airmatic discloses substantially the claimed invention including the tubular hollow body portion with the aerosol container, a heating unit containing rechargeable batteries (Fig. 6) through a receptacle 17, including a power switch 16, and at least one wire 15 embedded in the blade member 13. However, Kim does not disclose a temperature controller and a transformer. Schatt discloses a heated scraper device including a temperature controller 31 and a transformer 41. It would have been obvious tone having ordinary skill in the art to modify invention of Kim in view of Airmatic to include a temperature controller and a transformer in order to enhance performance of the scraper as taught by Schatt.

As for claim 8, it would have been obvious to have the container containing a liquid as obvious functional equivalent.

11. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Airmac and further in view of Guarascio (5,072,486)

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Kim in view of Airmac discloses substantially the claimed invention as stated in paragraph 2, including a cap member 17 engaged to the first end, and the cap member is disengaged from the first end to remove the container. However, Kim in view of Airmac does not disclose a threaded cap member. Guarascio teaches an ice scraper with a tube "D" that terminates with a threaded end "I". It would have been obvious to one having ordinary skill in the art to modify Kim's invention to include a threaded cap member as taught by Guarascio, in order to secure the scraper assembly.

12. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Airmac and Guarascio.

Kim in discloses substantially the claimed invention as discussed in paragraph 2, but does not discloses a de-icer container having a valve depresser with grippers.

Guarascio discloses an ice scraper having a valve G. It would have been obvious to one having ordinary skill in the art to modify Kim's invention to include a valve as taught by Guarascio and also include gripping means as a conventional in the art.

***Allowable Subject Matter***

13. Claims 15-33 are allowed because the prior art of record does not teach an ice scraper comprising a window de-icer container containing a valve with grippers for dispensing de-icer and a lock de-icer container containing a valve with grippers for dispensing de-icer.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid M Fastovsky whose telephone number is 703-306-5482. The examiner can normally be reached on M-Th. 8.00 am -6.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 703-305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Leonid M Fastovsky  
Examiner  
Art Unit 3742

lmf



ROBIN O. EVANS  
PRIMARY EXAMINER

11/23/04